

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ZOSTAVAX (ZOSTER VACCINE : MDL NO. 2848  
LIVE) PRODUCTS LIABILITY :  
LITIGATION :  
\_\_\_\_\_ :

THIS DOCUMENT RELATES TO: :  
DONALD THERING, et al. :  
\_\_\_\_\_ :

v. :  
\_\_\_\_\_ :

MERCK & CO., INC., et al. : CIVIL ACTION NO. 18-20226  
\_\_\_\_\_ :

PRETRIAL ORDER NO. 203

AND NOW, this 30<sup>th</sup> day of August, 2019, for the  
reasons set forth in the accompanying memorandum, it is hereby  
ORDERED that:

- (1) The motion of plaintiff to add a claim for  
wrongful death is DENIED;
- (2) Peter Thering may file within 30 days from the  
date of this order proper documentation that demonstrates he is  
the personal representative of Donald Thering's estate under New  
York law;
- (3) The court will grant the motion for leave to  
amend if Peter Thering timely files such documentation; and
- (4) The court will deny the motion and dismiss the  
complaint with prejudice if Peter Thering does not timely file  
such documentation.

BY THE COURT:

Harvey Battle  
J.